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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,745	03/14/2006	Werner Kozek	2003P13559WOUS	9866
29177 7590 07/02/2008 BELI., BOYD & LLOYD, LLP P.O. BOX 1135 CHICAGO, IL 60690				
EXAMINER				
TRAN, QUOC DUC				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/571,745

Applicant(s)

KOZEK ET AL.

Examiner

Quoc D. Tran

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eftechiou (6,002,747) in view of Gorka (2007/0001685).

Consider claims 10 and 21, Eftechiou teaches a method and arrangement for detecting a first communication device connected to a subscriber line, comprising: examining a *characteristics or parameters (i.e., voltage, current or impedance)* of the subscriber line for a deviation (col. 3 lines 10-15; col. 7 line 53 – col. 8 line 26); and indicating detecting the first communication device if the deviation exceeds a threshold value (col. 3 lines 16-27; col. 8 lines 44-67; it should be noted that the alarm circuit provides both visual and audible indications).

Eftechiou suggest of detecting intruding devices such as fax, modem, or other automated transfer devices on the telephone line that carries voice or data (see col. 10 lines 53 – col. 11 lines 21). Thus, Eftechiou did not clearly suggest whether the telephone line that carries "data" is a "digital subscriber line". Eftechiou did not suggest of **examining a [frequency range] (it should be noted that claim 21 do not have "frequency range")** transmission function of the subscriber line for a deviation (*i.e., examining the characteristics of a "digital" (DSL) transmission line*). However, Gorka suggested of a system and method for monitoring the circuit

properties (analog and digital) to detect wiretapping or eavesdropping on the DSL circuit (see par. 0002, 0005, 0011, 0018, 0046 and 0057).

Therefore, it would have been obvious to one of the ordinary skill in the art to incorporate the teaching of Gorka into view of Eftechiou detect intruding devices on any types of communications circuit such as DSL circuit.

Consider claim 11, Eftechiou teaches the claimed feature (col. 9 lines 23-30).

Consider claims 12 and 13, Gorka teaches wherein the transmission function (characteristics of transmission line) detects the subscriber line in approximately periodic time intervals and an average of the transmission function is derived from the detection results, wherein the deviation of the transmission function from the average of the transmission function is examined, and wherein the first communication device is detected when the deviation exceeds the threshold value (par. 0018, 0025, 0033, 0075).

Consider claims 14 and 17, Eftechiou teaches the claimed feature (see Fig. 1).

Consider claim 18, Eftechiou teaches wherein when the first communication device is a monitoring device (i.e., eavesdropping or wire-tapping device) (col. 8 lines 45-46).

Consider claims 15 and 19, the combination of Eftechiou and Gorka teach wherein information is transmitted between the second and third communication device according to an xDSL transmission (i.e., data transmission) method (col. 11 lines 10-15; col. 15 line 66 – col. 16 line 1).

Consider claims 16 and 20, the combination of Eftechiou and Gorka teach wherein the examining is carried out by an xDSL modem assigned to the first and/or second communication device (col. 11 lines 10-15; col. 15 line 66 – col. 16 line 1 and par. 0075).

Consider claim 22, Eftechiou teaches wherein a first and second communication device is connected to the subscriber line for transmitting information (col. 9 lines 23-30).

Response to Arguments

3. Applicant's arguments with respect to claims 10-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and Friday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).